

The Voting Rights Act as amended, contains seven key provisions which were not included in the 1975 version. The most controversial provision allows private parties, under Section Two of the Act, to prove a voting rights violation by showing that an election law or procedure has been applied in a manner that "results" in voting discrimination.²¹ This section is permanent and applies nationwide. The House included the results test in its version, but in order to pass the Senate Judiciary Committee, Senator Dole added a section spelling out how the test could be met. In the language of a 1973 Supreme Court case, White v. Register, the bill states that a violation may be proven "if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the state or political subdivision are not equally open to participation by minority groups."²² The totality of circumstances will include such considerations as racial block voting, employment discrimination, and the responsiveness of elected officials to minority requests. Senator John East, Senator Orrin Hatch, and others argued for months that the "results" test would threaten all at-large election systems and usher in a requirement of proportional representation for minority groups.²³ One amendment attempt by Senator Jesse Helms would have authorized judges to order proportional representation or quotas for minorities. His rather sarcastic motion was rejected by a 1-94 vote.²⁴ Senator Dole's compromise addressed the issue of proportional representation that caused some senators much concern. The second provision of the amended Voting Rights Act was the key ingredient in this compromise.

The Dole compromise wording again came directly from White v. Register. It specified that in Section Two lawsuit, "nothing... establishes a right to have members of a protected class elected in numbers equal to their proportion in the population."²⁵ This provision further specified that lack of proportional representation is only one circumstance a court can consider in a Section Two lawsuit.²⁶

A third compromise provision extended Section Five for 25 years with a congressional review after 15 years.²⁷ The House version extended the preclearance mechanism indefinitely, but many congressmen doubted the constitutionality of such a provision. The twenty-five year extension is the longest in the history of the Voting Rights Act and will provide continued protection for covered states and political sub-divisions.²⁸

With this lengthy extension came a new "bail-out" section to take effect in 1984.²⁹ The present version of Section Four will remain in effect until August 5 of that year.³⁰ The new option will allow a jurisdiction to bail-out from preclearance coverage if it can show a three-judge panel in the District of Columbia that it had a clean voting rights record for the preceding 10 years.³¹ Areas that successfully bailed-out could be brought back under coverage if they violated the law during a ten-year probationary period following exemption from coverage.³² No state can be exempted as long as any political subunit does not meet the act's requirements.³³